

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No.: M-23-258-SM
)	
OSCAR REYNALDO GOMEZ,)	
)	
<i>Defendant.</i>)	

MOTION FOR PSYCHIATRIC EXAMINATION

Frances Ekwerekwu, Assistant Federal Public Defender, moves the Court pursuant to Title 18, United States Code, §4241, *et.seq.* for an Order for Psychiatric Examination to determine whether the defendant may be presently suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, and whether the defendant at the time of the alleged commission of the acts constituting the offense, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of any alleged acts.

Counsel for Mr. Gomez interviewed him on April 24, 2023, in preparation for the initial appearance on the Criminal Complaint. During the initial appearance

hearing, Mr. Gomez requested a preliminary hearing and detention hearing. Counsel for Mr. Gomez has interviewed the defendant in relation to the pretrial release report and in preparation for the detention and preliminary hearings of the case. During these meetings, Mr. Gomez had several periods of unsteady mental feelings, rambling thought processes, and paranoia. Counsel has also interviewed the maternal grandmother of Mr. Gomez's children, Mrs. Oleta Burney. According to her comments and her knowledge of Mr. Gomez's history over the last few years, Mr. Gomez has suffered at least two head injuries potentially resulting in or compounding any psychiatric issues. While Mrs. Burney indicates she and her husband have assisted Mr. Gomez in receiving mental health care in the past, Mr. Gomez reports he has never received or required psychiatric assistance in his past.

Counsel has communicated with the assigned Assistant United States Attorney Stanley West about this issue and request. For the reasons stated by defense counsel herein, AUSA West reports that the prosecution has no objection to defense counsel's motion for psychiatric evaluation of the defendant.

Counsel believes, based on her personal observations and the aforementioned interviews and conversations, that there is reasonable cause to believe that Mr. Gomez is presently suffering from a mental disease or defect that could render him mentally incompetent to the extent that he is unable to understand the nature and

consequences of the proceedings against him or to assist properly in his defense, and/or that at the time of the alleged commission of the alleged offense, due to a severe mental disease or defect, he was unable to appreciate the nature and quality or the wrongfulness of any alleged acts.

Respectfully submitted,
s/ Frances C. Ekwerekwu
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CERTIFICATE OF SERVICE

 X I hereby certify that on Thursday, April 27, 2023, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Stanley West
Assistant United States Attorney

s/ Frances C. Ekwerekwu
FRANCES C. EKWEREKWU